

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lisa Woodward and Peter Woodward,

No. 23-cv-632 (KMM/ECW)

Plaintiffs,

v.

ORDER

Credit Service International Corporation
and Richard Muske,

Defendants.

This matter is before the Court on Plaintiffs’ “Request for Entry of Judgment.” Request (Doc. 40). Plaintiffs have filed a notice of appeal from the Court’s Order granting in part their motion for attorney’s fees, Order (Doc. 35), and the Order denying their request for reconsideration, Recon. Order (Doc. 38).

No separate judgment will be entered in this case because it is not necessary to do so under the applicable Rules. “A party may request that judgment be set out in a separate document *as required by* Rule 58(a).” Fed. R. Civ. P. 58(d) (emphasis added). Under Federal Rule of Civil Procedure 58(a), “[e]very judgment and amended judgment must be set out in a separate document, *but a separate document is not required* for an order disposing of a motion . . . for attorney’s fees under Rule 54.”¹ Fed. R. Civ. P. 58(a)(3) (emphasis added). And if Rule 58(a) “does not require a separate document,” then an “order is entered for purposes of” Federal Rule of Appellate Procedure 4(a), which establishes the time for filing an appeal from that order, “when the . . . order is entered in

¹ Plaintiffs’ motion for fees was brought pursuant to Rule 54. Mot. (Doc. 19).

the civil docket[.]” Fed. R. App. P. 7(a)(7)(A)(i). An order on a request for fees is “collateral to and independent from the merits of the litigation” and is “separably appealable as a final judgment.” *Gates v. Central States Teamsters Pension Fund*, 788 F.2d 1341, 1343 (8th Cir. 1986) (*Obin v. Dist. No. 9, Int’l Ass’n of Machinists*, 651 F.2d 574, 583, 584 (8th Cir. 1981)); *see also California Med. Ass’n v. Shalala*, 207 F.3d 575, 576 (9th Cir. 2000) (“[A]party may obtain relief from a judgment awarding attorney’s fees [by appealing] the fee award as it would any final judgment.”).

Accordingly, Plaintiffs’ Request (Doc. 40) for entry of a judgment in a separate document concerning the Order on their motion for fees is denied. *See Mason Tenders Dist. Council of Greater New York v. Phase Constr. Servs., Inc.*, No. 14 Civ. 06016 (ER), 2018 WL 2012, at *2 (S.D.N.Y. Sept. 28, 2012) (denying plaintiffs’ motion for entry of a judgment in a separate document based on the language of Rules 54 and 58).

Date: February 22, 2024

s/Katherine Menendez

Katherine Menendez
United States Magistrate Judge